

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BECKY D. MORGAN,)
BOP Register No. 07180-025,)
)
Petitioner/Defendant,)
)
vs.) **CIVIL NO. 11-412-GPM**
)
UNITED STATES OF AMERICA,) **CRIMINAL NO. 09-40040-2-GPM**
)
Respondent/Plaintiff.)

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on Petitioner/Defendant Becky D. Morgan's motion to vacate, set aside, or correct her federal sentence pursuant to 28 U.S.C. § 2255. On January 29, 2010, pursuant to a cooperating plea agreement with Respondent/Plaintiff United States of America, Morgan pled guilty to one count of conspiracy to distribute in excess of fifty grams of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), 21 U.S.C. § 846, and 18 U.S.C. § 2. On May 17, 2010, Morgan was sentenced by the undersigned United States District Judge to 135 months' imprisonment in the custody of the Federal Bureau of Prisons, together with five years' supervised release, and was ordered to pay a fine of \$300 and a special assessment of \$100.

Pursuant to her plea agreement with the government, Morgan took no direct appeal from her sentence. In the instant motion pursuant to 28 U.S.C. § 2255, filed May 17, 2011, Morgan raises the following grounds for relief: (1) Morgan's conviction was obtained in violation of Morgan's Fifth Amendment right against self-incrimination, in that Morgan's counsel, Robert D. Elovitz,

conveyed information protected by attorney-client privilege to Amanda A. Robertson, the Assistant United States Attorney prosecuting the case against Morgan; and (2) denial of effective assistance of counsel, in that Morgan's counsel violated Morgan's confidentiality, failed to communicate with Morgan, was late to Morgan's sentencing hearing, and failed to argue at sentencing against an enhancement of Morgan's sentence for possession of a firearm in furtherance of the conspiracy for which Morgan was convicted.

The Court **ORDERS** the government to file a response to Morgan's motion under 28 U.S.C. § 2255 not later than **THIRTY (30) DAYS** from the date of entry of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: February 9, 2012

/s/ G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge